

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GARY D. PRICE,

Plaintiff,

v.

CITY OF CORNING,

Defendant.

No. 1:12-cv-104-CL

ORDER

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles de novo. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983).

I agree with Magistrate Judge Clarke that plaintiff has failed to show any basis for subject matter jurisdiction. I also

1 - ORDER

agree that in light of the allegations of the complaint, no amendment could cure the jurisdictional defect. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#5) is adopted. This action is dismissed without prejudice for lack of subject matter jurisdiction. Plaintiff's motion to proceed in forma pauperis (#1) is denied as moot.

IT IS SO ORDERED.

DATED this 5 day of April, 2012.

A handwritten signature in black ink, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GARY D. PRICE,
Plaintiff,

No. 1:12-cv-104-CL

v.

CITY OF CORNING,
Defendant.

JUDGMENT

Based on the record, this action is dismissed without prejudice
for lack of subject matter jurisdiction.

IT IS SO ORDERED.

DATED this 5 day of April, 2012.

A handwritten signature in black ink, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE